



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
)
)
 Before the Examiner
)
)
)
 Art Unit
)
)
)
 LATERALLY EXPANDING)
 INTERVERTEBRAL FUSION DEVICE)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. § 1.56, Applicants wish to bring to the attention of the Examiner the items of information listed on the enclosed Information Disclosure Citation form. Copies of the items listed in this IDS form are not being provided herewith pursuant to 37 C.F.R. §1.98(d) since they were previously cited by the Examiner or submitted and considered in prior Patent Application Serial No. 09/696,715 filed October 25, 2000 (now US Patent No. 6,613,089 issued September 2, 2003) which is being relied upon for an earlier effective filing date under 35 USC §120.

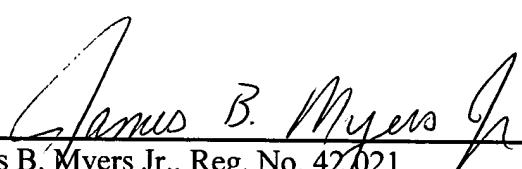
The filing of this Information Disclosure Statement (IDS) shall not be construed as an admission that the information cited is or is considered to be prior art or material to patentability as defined in § 1.56(b).

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.
<u>December 29, 2003</u>
(Date of Deposit)
<u>James B. Myers, Jr.</u>
Name of Registered Representative
<u>James B. Myers Jr</u>
Signature
<u>December 29, 2003</u>
Date of Signature

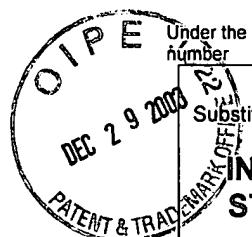
This Statement is being submitted under 37 CFR 1.97(b) before the occurrence of one or more of the following: (a) receipt of a First Office Action on the merits, (b) passage of three (3) months from the application filing date, or passage of three (3) months from the date entry of the national stage. Accordingly, it is believed that no fee is due. However, should any fee be required, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By:


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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

2

Attorney Docket No. 4002-3385

Complete if Known

Application Number	10/650,494
Filing Date	August 28, 2003
First Named Inventor	ESTES
Group Art Unit	
Examiner Name	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (If known)	MM-DD-YYYY		
	1	4,512,038	04-1985	Alexander et al.	
	2	4,645,503	02-1987	Lin et al.	
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Examiner Signature				Date Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				<i>Complete if Known</i>	
Sheet	2	of	2	Application Number	10/650,494
				Filing Date	August 28, 2003
				First Named Inventor	ESTES
				Group Art Unit	
				Examiner Name	
				Attorney Docket No. 4002-3385	

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
45	EP 0326426		08-1989			
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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published	T ²
	54	Blanchard, C. R., "Biomaterials: Body Parts of the Future," Technology Today, Fall 1995	
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Examiner Signature		Date Considered	
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